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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

**DREW J. RIBAR, PRO SE PLAINTIFF**

Case No.: 3:24-cv-00526-ART-CLB

**V.**

**WASHOE COUNTY, ET AL.,  
DEFENDANTS.**

**PLAINTIFF'S MOTION FOR  
CLARIFICATION REGARDING  
COMMUNICATIONS BETWEEN  
DEFENDANT WASHOE COUNTY AND  
COUNSEL FOR BUILD OUR CENTER,  
INC.**

**TO THE HONORABLE COURT:**

Plaintiff **Drew J. Ribar**, acting pro se, respectfully submits this Motion for Clarification and Related Relief regarding the communications between Defendant Washoe County, represented by Michael Large, and counsel for Defendant Build Our Center, Inc. (BOC), **Alison R. Kertis**. This motion seeks to ensure transparency and procedural fairness in the present litigation and prevent undue prejudice to Plaintiff.

**BACKGROUND**

PLAINTIFF'S MOTION FOR CLARIFICATION REGARDING COMMUNICATIONS BETWEEN  
DEFENDANT WASHOE COUNTY AND COUNSEL FOR BUILD OUR CENTER, INC. - 1

- 1 1. On **December 27, 2024**, Plaintiff filed a **Request for Clerk's Entry of Default** against  
2 Defendant Build Our Center, Inc., for its failure to timely respond to the Complaint  
3 within the period prescribed by the Federal Rules of Civil Procedure.  
4
- 5 2. Approximately **14 minutes after Plaintiff filed the Request for Default**, Defendant  
6 Washoe County's counsel, **Michael Large**, forwarded Plaintiff's filing to attorney **Alison**  
7 **R. Kertis** via email at 2:51 PM.  
8
- 9 3. **Fourteen minutes thereafter, at 3:05 PM**, Ms. Kertis reached out to Plaintiff, asserting  
10 that she had been retained as counsel for Build Our Center, Inc. on December 27, 2024,  
11 the same day the Request for Default was filed.  
12
- 13 4. The timing of these events raises concerns about potential pre-coordination or prior  
14 discussions between Mr. Large and Ms. Kertis regarding Build Our Center's response to  
15 the lawsuit. If such coordination occurred, it may have delayed procedural actions and  
16 prejudiced Plaintiff's ability to secure timely relief through default judgment.  
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## 18 **ISSUE FOR CLARIFICATION**

19 Plaintiff respectfully requests clarification regarding whether there was communication or  
20 coordination between Mr. Large (counsel for Washoe County) and Ms. Kertis (counsel for Build  
21 Our Center, Inc.) prior to the filing of the Request for Clerk's Entry of Default. Specifically:  
22  
23

- 24 1. Did Mr. Large have prior knowledge of Ms. Kertis's retention as counsel for Build Our  
25 Center, Inc.?  
26  
27

2. Were there communications or agreements between Mr. Large and Ms. Kertis regarding Build Our Center's failure to timely respond to the Complaint?
3. Did Mr. Large advise or suggest legal strategy to Build Our Center, Inc., despite their roles as separately represented parties?
4. Was the delay in Build Our Center's response a premeditated strategy involving Washoe County's counsel?

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## LEGAL BASIS FOR INQUIRY

1. **FRCP 11 and Ethical Obligations:** Attorneys are bound by the Federal Rules of Civil Procedure and ethical standards to avoid improper communication or conduct that prejudices procedural fairness.
2. **Procedural Fairness and Due Process:** Litigants have a right to expect that opposing parties and their counsel act independently unless participating in a disclosed joint defense agreement.
3. **Disclosure of Coordination:** If any coordination or agreements existed between Washoe County and Build Our Center, Inc., such arrangements must be disclosed to prevent undue prejudice and ensure compliance with applicable rules.

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## IMPLICATIONS FOR PROCEDURAL FAIRNESS

1 If improper pre-coordination occurred, it may have:

- 2
- 3 1. Prejudiced Plaintiff's ability to secure default judgment against Build Our Center, Inc.
- 4 2. Created an appearance of impropriety, undermining public confidence in the judicial
- 5 process.
- 6 3. Violated ethical obligations governing independent representation of separately named
- 7 defendants.
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11 **REQUEST FOR RELIEF**

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13 Plaintiff respectfully requests that this Court:

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- 15 1. Direct counsel for Washoe County (Michael Large) and Build Our Center, Inc. (Alison
- 16 Kertis) to provide sworn declarations detailing:
  - 17 ○ The timing and nature of any communications regarding this litigation.
  - 18 ○ The decision to retain Ms. Kertis and any role played by Mr. Large in that
  - 19 decision.
- 20
- 21 2. Require disclosure of any joint defense agreements or other arrangements between
- 22 Defendants Washoe County and Build Our Center, Inc.
- 23
- 24 3. Strike any late Answer filed by Build Our Center, Inc., if improper coordination or delay
- 25 tactics are discovered.
- 26
- 27

4. Award Plaintiff costs associated with preparing and filing this motion and the request for Clerks Entry of Default if the Court finds that coordination delayed Plaintiff's procedural rights.
5. Compel expedited compliance with discovery obligations, including initial disclosures and document production, to address any delays caused by potential coordination.
6. Issue a protective order barring undisclosed or improper communication between separately represented defendants in this case.
7. Consider imposing sanctions under Rule 11 or other appropriate rules if the Court finds that procedural fairness was compromised.
8. Grant any other relief the Court deems just and proper to ensure transparency and procedural integrity.

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## **CONCLUSION**

Plaintiff submits this motion in good faith to clarify the timeline of events, ensure transparency, and avoid any undue prejudice to Plaintiff's case. This inquiry is not intended to allege misconduct but to preserve the fairness and integrity of these proceedings.

**Respectfully submitted,**

/S/Drew J. Ribar

**Drew J. Ribar**

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6 **DATED:** December 30, 2024